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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,290

04/14/2004

C. Todd Praisner

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EXAMINER

SHAIKH, MOHAMMAD Z

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,290

Applicant(s)

PRAISNER, C. TODD

Examiner

MOHAMMAD Z. SHAIKH

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is made **Non-Final** because is making a new ground of rejection not necessitated by Applicant's amendment.

Status of Claims

2. Claims 1-6 are pending in the application.
3. Claims 5-6 are newly added on 04/28/08.

Claim Amendments

4. Claims 1, 3-4 have been amended.

Claim Rejections - 35 USC § 112

5. The 35 U.S.C § 112 rejection for claim 1 has been withdrawn.

Claim Rejections- 35 U.S.C § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,5 are being rejected under 35 U.S.C 102(b) as being anticipate by US Patent 6,618,705 to Wang et al, herein Wang.

Regarding claim 1, Wang discloses a method for pushing credit payments as buyer initiated transactions (column 4, lines 6-9), comprising: determining payment instructions for an accounts payable, the accounts payable representing a purchase made by a buyer from a merchant (column 4: 6-10); communicating electronically the

payment instructions from the buyer to an acquirer, the acquirer being an entity that buys credit card receipts from merchants (column 4: lines 13-17); generating a transaction based upon the payment instructions without the transaction being initiated by the merchant, the transaction representing the buyer initiated payment; and settling the transaction (column 4, lines 20-25).

Claim 5 is being rejected using the same rationale as claim 1.

Claim Rejections- 35 U.S.C § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2,6 are being rejected under 35 U.S.C 103(a) as being unpatentable over Wang in view of U.S Patent 6,09,053 to Slater.

Regarding claim 2, Wang discloses the method of claim 1. However Wang does not specifically disclose further comprising utilizing merchant profiles to determine whether payment instructions should include a credit payment of debit payment. Slater discloses whether payment instructions should include a credit payment or debit payment (column 1: lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang's invention to include whether payment instructions should include a credit payment of debit payment. One of ordinary skill in the art would have been motivated to include whether payment

instructions should include a credit payment of debit payment in order to ensure that all payment solutions are available to the buyer. Wang further discloses wherein the generating of the transaction takes place where the payment instructions include a credit payment (column 4: lines 6-10) and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment (column 5: lines 23-27).

Claim 6 is being rejected using the same rationale as claim 2.

10. Claim 3 is being rejected under 35 U.S.C 103(a) as being unpatentable over Wang in view of US 2002/0116332 to Sanchez.

Regarding claim 3, Wang discloses a system for pushing credit payments as buyer initiated transactions (column 6: lines 10-17), comprising: a purchasing management system associated with a buyer, the buyer having an accounts payable (column 6, lines 10-17). Wang further discloses an acquirer system configured to receive electronically payment instructions from the purchasing management system (column 4, lines 6-10). However Wang does not disclose the computer system being associated with an entity that buys credit card receipts from merchants. Sanchez discloses the computer system being associated with an entity that buys credit card receipts from merchants ([0017]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang's invention to include the computer system being associated with an entity that buys credit card receipts from merchants. One of ordinary skill in the art would have been motivated to include the computer system being associated with an entity that buys credit card receipts from

merchants in order to ensure that entity that purchases the accounts receivable is able to allow customers to make payments against the accounts payable by using all forms of electronic funds transfer. Wang further discloses wherein the acquirer computer system is further configured to generate a transaction based upon the payment instructions without the transaction being initiated by a merchant, the credit transaction representing the buyer initiated payment (column 4: lines 20-25); and wherein the acquirer computer system is configured to settle the transaction (column 3: lines 49-57).

11. Claim 4 is being rejected under 35 U.S.C 103(a) as being unpatentable over Wang in view of Sanchez and further in view of Slater.

Regarding claim 4, Wang discloses the system of claim 3. However Wang does not disclose wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment. Slater discloses wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment (column 1: lines 40-45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang's invention to include wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment. One of ordinary skill in the art would have been motivated to include wherein the purchasing management system is configured to utilize merchant profiles to determine whether payment instructions should include a credit payment or a debit payment in order to ensure that

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all payment solutions are available to the buyer. Wang further discloses such that the transaction is generated where the payment includes a credit payment and such that funds are electronically transferred from the buyer to acquirer where the payment instructions include a debit payment (column 4: lines 13-17 & lines 19-25).

Response to Remarks

12. Applicant's arguments, filed on 04/28/08 with respect to rejected claims 1-4 under 35 U.S.C 103(a) have been fully considered and persuasive. Therefore the rejection has been withdrawn. However upon further consideration, a new ground(s) of rejection is made in view of US Patent 6,618,705 to Wang and U.S Patent 6,09,053 to Slater and further in view of US 2002/0116332 to Sanchez.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./
Examiner, Art Unit 3696
9/2/2008

Mohammad Z Shaikh
Examiner
Art Unit 3696

**/Daniel S Felten/
Primary Examiner, Art Unit 3696**